

SJR 1001 /HJR 2001– “Lower Colorado basin; forbearance authority”

Primary Sponsors: President Bee, Speaker Weiers, Senator Flake, Representative Kirkpatrick, Senator Arzberger, Representative Sinema, Senator Harper, Representative Tobin.

Background:

- The Secretary of the Interior, in conjunction with the seven Colorado River Basin States, is currently working on new guidelines for the coordinated management of Lake Powell and Lake Mead, the two main Colorado River reservoirs that will create storage and release thresholds more favorable to Arizona during low reservoir conditions than the current, disputed release schedules.
- An important part of the seven States' proposal for the Secretary's guidelines involves the concept of "Intentionally Created Surplus" (ICS). ICS means that a water contractor may add water to the system through conservation or importation and the Secretary will release water in the future to the Lower Division State (Arizona, California or Nevada) that added the water.
- ADWR is now negotiating a draft Forbearance Agreement with Nevada and California that will allow creation and release of ICS and domestic surplus deliveries under certain, specific conditions, by forbearance of the three States from claiming their rights to another State's ICS or domestic surplus.

Summary: The authority to enter into certain **Forbearance Agreements** is vital for the future of Arizona's water supply and for the preservation of mutual understanding and agreement on the "*Law of the River*" among the Colorado River States.

- Helps to avoid water shortages in Arizona by adding new water to the Colorado River through:
 1. A variety of methods that may include efforts such as extraordinary conservation, capital expenditures to improve system efficiencies, tributary conservation and importation of non-Colorado River system water (these additions to mainstream water storage are known as *Intentionally Created Surplus* or *ICS*). The ICS will be added to or stored in the River system, keeping Lake Mead water elevation higher and reducing the probability of reaching shortage elevation triggers.
 2. Preserving stored water in Lake Mead by eliminating requests for delivery of surplus when the lake elevation is less than 1145 feet. This new limitation will keep more Colorado River water in storage and increase shortage protection for Arizona. When Lake Mead is nearly full, i.e., over 1145 feet, the States have agreed to allow certain surplus deliveries for domestic uses within the other States (Domestic Surplus).
- **The agreement will have no negative impact on any Arizona water user.**
- The new ICS water may be used only by the State that puts the water into the system (Arizona, Nevada and California all must forbear using the new ICS water created by the other States), but 5% of each contribution must remain in Lake Mead, resulting in a net increase in system water that will reduce the frequency and magnitude of Arizona's shortages.
- SJR 1001 and HJR 2001, identical Joint Resolutions of the Arizona Legislature, are required to authorize the ADWR Director to forbear ordering domestic surplus and the ICS created and owned by the other Basin States.